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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FILED

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
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United Van Lines, LLC

Plaintiff

V.

CAUSE NO.: A-05-CA-961-LY

Emeka G. Uchendu and

New Era Technologies Md Inc.

Defendants

**MOTION TO GRANT THE DEFENDANTS TIME TO FIND
AND RETAIN A NEW COUNSEL UPON THE DEATH OF
PREVIOUS COUNSEL REPRESENTING THE DEFENDANTS.**

Pursuant to the untimely death of Nathan Coburn ESQ Counsel of record in the above case, the defendants very respectfully move the court to grant the defendants time to find and retain a new counsel on the following grounds.

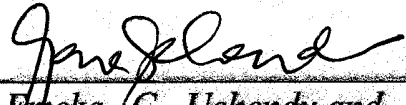
- I. *The Counsel for record Mr. Nathan Coburn died while the defendant was overseas and never learnt about the passing of Mr. Coburn until he return back to the United States only very recently.*
- II. *Mr. Emeka G. Uchendu traveled overseas to bury his father who died earlier and unfortunately his mother took ill after the burial of his father. His mother went through three major surgeries and Mr. Uchendu had no choice but to do the best he could for his mother and that meant staying with her till she got better. This explain Mr. Uchendu's protracted absence from the United States and why he was not aware of the passing of his counsel Mr. Nathan Coburn until very recently.*

- III. Since Mr. Coburn was paid his retainer in full(\$5,000) and now he is no more to represent the defendants, a new counsel means a new retainer, which the defendants have to pay. Further since the plaintiff put the defendants out of business, it is not easy to raise the retainer for a new attorney immediately but given some time the defendants will be able to come up with the retainer for a new attorney.
- IV. The plaintiff's strategy has been that of intimidation, harassment and continuously rising the cost of the defendants' quest for justice on the damage they did. Mr. Nathan Coburn was the 7th attorney on this case and the next attorney will be the 8th attorney. Each of these attorneys had their retainer/fee paid upfront. The plaintiff strategy is shameful because they operate on the motto "might is right". They feel that they are at liberty to crush a little fellow just because they can.
- V. The plaintiff through his attorney is once more trying to silence defendants by threatening to file a " motion to compel and request court hearing asking the Judge to sign an order requiring you to file answers and to pay for attorney fees that were necessary to ensure discovery responses are received ". The alternative the plaintiff gave the defendants is to accept whatever they want to offer for the damage they did or else, they will impose further costs on defendants by filing a motion to compel knowing fully well that defendants' attorney is dead. Please find enclosed a copy of the Certified Mail sent by the Plaintiff's attorneys threatening the defendants with paying their attorneys fees.(Exhibit 1)
- VI. The defendants have done everything required of them in this case and the plaintiff and their attorney will not be satisfied until they vanquish the defendants for the damage the plaintiff did on the defendant's property. The defendants, a very little entity carried Three Million Dollars (\$3,000,000) liability policy for those damages they may do to other people and/or their properties in the conduct of their business activities yet a big corporation like United Van Lines want to vanquish instead of compensate a party they definitely have done enormous damage to. They have imposed incalculable costs on the defendants and now as a final straw they want to permanently silence the defendants because the defendant have lost their attorney due to no fault of theirs. The most the defendant need is a voice to present their case to the court and prevent United Van Lines from silencing them just because they are little and United Van Lines has the might.

WHEREFORE PREMISES CONSIDERED, the defendants pray that this honorable court grant them time to raise the retainer for a new attorney, find and retain an attorney to represent them in this case. Let the honorable court not allow United Van

Lines to silence this defendants who has been very seriously damaged by the actions, activities, conduct and strategies adopted by United Van Lines in this case.

Respectfully Submitted,

BY: 
Enneka G. Uchendu and
New Era Technologies Md Inc.

7123 Harford Road

P. O. Box 8494

Parkville, MD 21234

Phone: 410-663-1390

Email:

Submitted: August 8, 2007

HENRY ODDO AUSTIN & FLETCHER

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

1700 PACIFIC AVENUE

SUITE 2700

DALLAS, TEXAS 75201

TELEPHONE (214) 658-1900

FACSIMILE (214) 658-1919

July 25, 2007

Via Certified Mail-RRR

Emeka G. Uchendu
and New Era Technologies Md Inc.
7123 Harford Road
P.O. Box 8494
Parkville, MD. 21234

RE: *United Van Lines, LLC v. Emeka Uchendu and New Era Technologies, MD., Inc.*;
No. A05CA961 LY, in the United States District Court for the Western
District of Texas, Austin Division

Dear Mr. Uchendu:

I have been informed that your file in the above referenced case has been returned to you due to the unfortunate death of your attorney, Mr. Coburn, in May of this year. It is my understanding you do not have new counsel at this time and you are currently representing yourself. If this information is incorrect, please forward this letter to your new attorney and ask him/her to contact us.

Please note that we have not received your responses to Plaintiff's Request for Admissions, Interrogatories and Request for Production that were due on May 21, 2007. We have waited approximately two months for you to retain new counsel and respond to said discovery requests. However, since it appears you are representing yourself at this time, please note that if your responses are not received in our office by August 10, 2007, we will file a Motion to Compel and request a court hearing asking the Judge to sign an order requiring you to file answers and to pay for attorney fees that were necessary to ensure discovery responses are received.

As an alternative to the above, please note that we are renewing our offer to settle this matter with a payment to you of five-thousand dollars (\$5,000) in exchange for your signature on a document called a Release that will release United Van Lines, Inc. and its agents from all liability in this cause with the agreement that all parties will dismiss their causes of action. If you are interested in settling this matter as set forth, please contact me at your earliest convenience. I will need your social security and/or business identification number to request a settlement check.

Mr. Emecka G. Uchendu

July 25, 2007

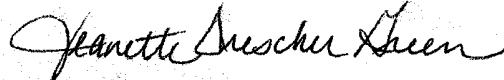
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Please contact me to discuss the above-referenced matters.

Yours very truly,

HENRY ODDO AUSTIN & FLETCHER
A Professional Corporation

By



Jeanette Drescher Green

JDG

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of AUGUST, 2007

The foregoing was mailed (CERTIFIED MAIL WITH RETURN RECEIPT
RECEIPT # 7006 2760 004 45253582)

POSTAGE, PREPAID TO:

HENRY ODDO AUSTIN & FLETCHER

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

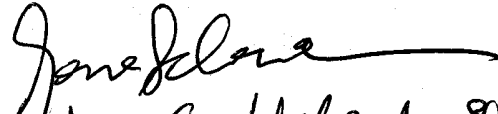
1700 PACIFIC AVENUE, SUITE 2700

DALLAS, TEXAS 75201

ATTN: JEANNETTE DRESCHER GREEN

08/08/07

DATE


Emma C. Uchendu &
New Era Technologies, Inc.
SIGNATURE